

Form B18

**United States Bankruptcy Court**  
District of South Dakota

**In re:**

**Ian Lafayette Fleming**  
SSN/ITIN xxx-xx-9844

**Theresa Marie Fleming**  
SSN/ITIN xxx-xx-4172

Debtors

**Bankr. No. 20-40094**

**Chapter 7**

**ORDER OF DISCHARGE**

Upon consideration of the record before the Court; and it appearing Debtors Ian Lafayette Fleming and Theresa Marie Fleming are entitled to a discharge; now, therefore,

IT IS HEREBY ORDERED Debtors Ian Lafayette Fleming and Theresa Marie Fleming are granted a discharge under 11 U.S.C. § 727.

So ordered: July 1, 2020 .

BY THE COURT:



Charles L. Nail, Jr.  
United States Bankruptcy Judge

**NOTICE OF ENTRY**

Pursuant to Fed.R.Bankr.P. 9022(a),  
this order/judgment was entered  
on the date shown above.

Frederick M. Entwistle  
Clerk, U.S. Bankruptcy Court  
District of South Dakota

**SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.**

## **EXPLANATION OF BANKRUPTCY DISCHARGE IN A CHAPTER 7 CASE**

This court order grants a discharge to the person named as the debtor. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

### **Collection of Discharged Debts Prohibited**

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. *[In a case involving community property:]* [There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.] A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

### **Debts That Are Discharged**

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

### **Debts That Are Not Discharged**

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

- a. Debts for most taxes;
- b. Debts that are domestic support obligations;
- c. Debts for most student loans;
- d. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- e. Debts for death or personal injury caused by operating a vehicle while intoxicated;
- f. Some debts which the debtor did not properly list;
- g. Debts the bankruptcy court has decided or will decide are not discharged in this bankruptcy case;
- h. Debts for certain types of loans owed to pension, profit sharing, stock bonus, or retirement plans; and
- i. Debts covered by a valid reaffirmation agreement.

In addition, this discharge does not stop creditors from collecting from anyone else who is also liable on the debt, such as an insurance company or a person who cosigned or guaranteed a loan.

**This information is only a general summary of the bankruptcy discharge; some exceptions exist. Because the law is complicated, you should consult an attorney to determine the exact effect of the discharge in this case.**